

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 1-14 are currently pending in this application. Claim 1 has been amended to clarify the operation of the present invention and to distinguish the claims over the cited references. Applicants submit that no new matter has been introduced into the application by these amendments.

**Claim Rejections - 35 USC §103(a)**

Claims 1, 2, 7, 9, and 14 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0096608 to Mortensen et al. (hereinafter "Mortensen") in view of Vucetic et al., 1996 IEEE International Conference on Communications (ICC), Vol. 3, June 1996, pp. 1270-1274 (hereinafter "Vucetic").

Claim 1 has been amended. The Applicants respectfully submit that amended claim 1 is patentable over the cited art for the following reasons. Claim 1 recites the following features which are neither taught nor suggested in Mortensen:

receiving a plurality of events;

selecting a plurality of RRM algorithms to resolve the events, wherein the RRM algorithms are selected based on the events received;

(emphasis added). These features are disclosed throughout the Applicants' specification, in particular at Figures 5 and 7 and paragraphs 0057, 0070, and 0071.

In contrast, Mortensen discloses one response to one event, namely changing an interleaving time length in response to a non-specific "congestion situation" (paragraph 0030). This single response is always a change in a parameter (interleaving time length), not in an algorithm. The invention of Mortensen, because it is restricted to a single response to a single event, lacks the advantages of the Applicants invention as disclosed in claim 1. Particular advantages of the Applicants' invention are faster responses to simultaneous or nearly simultaneous events, and minimization of conflicts. See the examples shown in the Applicants' Figures 9 and 10, and the descriptions in the Applicants' specification, paragraphs 0082 – 0098.

Vucetic does not remedy the deficiencies of Mortensen. Vucetic discloses choosing one algorithm in response to a situation. See, for example, item 3 in section 7.2: "The switch compares all available channel allocation to determine which one provides the best performance . . . " (emphasis added).

Furthermore, Vucetic does not make up for other deficiencies in Mortensen, including deficiencies admitted in the second paragraph of page 4, of the Office Action. In particular, the Applicants' claim 1 contains the feature of:

determining a subset of the selected RRM algorithms to be executed to achieve an optimal result to resolve the event received, wherein the subset of RRM algorithms is based on results obtained in the analyzing step;

(emphasis added).

The Examiner admits that Mortensen does not disclose this feature and relies on Vucetic to remedy the deficiency by equating this feature with the following (at the top of page 5 of the Office Action): “(i.e. to use a multi-algorithm dynamic channel allocation mechanism includes several channel allocation algorithms implemented at the same time in the switch of a cellular network.)” (emphasis added).

This sentence and the one immediately following are nearly identical to the first two sentences of Section 7.2 of Vucetic, but with at least one critical difference: in Vucetic, the word underlined above is not “implemented”, it is “residing.” In Vucetic, the algorithms reside in the switch but are selected one at a time, as indicated throughout section 7.2. See, for example, step 3 quoted above. Therefore Vucetic does not teach or suggest the above quoted feature of the Applicants’ claim 1.

Therefore, neither Mortensen nor Vucetic nor the combination of these two references teach or suggest all features of the Applicants’ claim 1, which is therefore patentable under 35 USC §103 (a) over the combination.

Concerning claim 9, the Applicants' respectfully disagree with the Examiner and submit that claim 9 is patentable over the cited art for at least the following reasons. Claim 9 recites the feature of "preparing a set of predicted measurements for use by the other RRM algorithms."

This feature is supported at least by Figure 9 and paragraphs 0071 and 0087 of the specification, where it is made clear that the "predicted measurements" are results of invoking one or more algorithms. Advantages of this approach over prior approaches, including that of Mortensen, are presented in paragraphs 0086 and 0087.

By contrast, paragraphs 0034 and 0037 of Mortensen refer only to "parameter sets" which are specifically exemplified as interleaving time lengths. Each of the various possible values of the parameters is fixed and predetermined, not predicted by an algorithm. In particular, specific fixed, predetermined values for the interleaving time, in milliseconds, are proposed in paragraph 0034.

Vucetic does not remedy this deficiency of Mortensen because Vucetic is silent concerning the step of "preparing a set of predicted measurements for use by the other RRM algorithms."

Therefore, claim 9 is patentable under 35 USC §103 (a) over the combination of Mortensen and Vucetic.

Claims 2 and 7 are dependent upon claim 1 and are therefore patentable over the cited art for the same reasons as provided above concerning claim 1. Claim 14 is dependent upon claim 9 and is therefore patentable over the cited art for the same reasons as provided above concerning claim 9.

Claims 3, 4, 10, and 11 stand rejected under 35 USC §103 (a) as unpatentable over Mortensen and Vucetic and further in view of applicant admitted prior art in the present application. Claims 3 and 4 are dependent on claim 1 and are therefore patentable over the cited art for the same reasons given above concerning claim 1. Claims 10 and 11 are dependent on claim 9 and are therefore patentable over the cited art for the same reasons given above concerning claim 9.

Claim 8 stands rejected under 35 USC §103(a) as unpatentable over Mortensen and Vucetic and further in view of U.S. Patent No. 6,771,624 to Lu (hereinafter "Lu"). Claim 8 is dependent on claim 1 and therefore contains all the features of claim 1. Lu does not remedy the deficiencies of Mortensen and Vucetic with respect to claim 1, presented above, as Lu is concerned only with algorithm priorities. Therefore claim 8 is patentable under 35 USC §103 (a) over the cited art.

Based on the arguments presented above, withdrawal of the 35 USC §103 (a) rejection of claim(s) 1-4, 7, 8-11, and 14, is respectfully requested.

**Claim Objections**

Claims 5-6 and 12-13 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner is thanked for indicating that claims 5, 6, 12, and 13 contain allowable subject matter.

Claims 5 and 6 are dependent on claim 1. Claims 12 and 13 are dependent on claim 9. As presented above, the Applicants submit that claims 1 and 9 are allowable over the art of record. Therefore, claims 5, 6, 12 and 13 are also allowable over the art of record. The withdrawal of the objection to the claims 5, 6, 12, and 13 is therefore respectfully requested.

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**Application No.:** 10/761,858

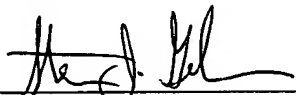
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, the Applicants respectfully submit that the present application, including claims 1-14, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Braincon et al.

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